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13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 JONATHAN RETTA, *et al.*,

16 Plaintiffs,

17 v.

18 MILLENNIUM PRODUCTS, INC.,  
19 *et al.*,

20 Defendants.

Case No. 15-CV-1801-PSG-AJW

**DECLARATION OF GT DAVE IN  
SUPPORT OF MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Judge: Hon. Philip S. Gutierrez

FAC Filed: June 22, 2016  
Trial Date: Not Set



**DECLARATION OF GT DAVE**

I, George Thomas “GT” Dave, hereby declare and state as follows:

1. I am the founder of Millennium Products, Inc. (“Millennium”) and have been its Chief Executive Officer since 1994. I submit this declaration in support of preliminary approval of the Stipulation of Class Action Settlement in the above-captioned action. I have personal knowledge of the facts stated herein and could testify to them if called upon to do so.

2. Millennium is the manufacturer of the “GT’s Classic Kombucha” and “GT’s Enlightened Kombucha” products at issue in this action (“Products”).

3. Millennium is a manufacturer of kombucha beverages and, with few exceptions, does not ship and/or distribute such beverages for resale directly to retailers. Instead, Millennium ships and/or distributes products to third-party distributors, who in turn receive and process purchase orders and ship Millennium products to retailers. These third-party distributors ship products to many different combinations of states and do not provide Millennium with records sufficient to show to what states Millennium products were shipped and when. As a result, Millennium does not have business records sufficient to show which specific Products were sold in any particular state at any given time.

4. As a manufacturer and not a retailer, Millennium does not set the retail price for the Products. Within the exception of a few local stores who receive shipments of the Products directly from Millennium, Millennium sells the Products to distribution companies who subsequently ship them to downstream retailers nationwide. These downstream retailers set the retail price for the Products.

5. Based on my observation of sales trends for the Products, in my capacity of the Chief Executive Officer of Millennium, the retail price of the Products has varied significantly over time and between states, and even within stores in the same market due to varying promotions offered by retailers.



